



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,384	05/02/2001	Brian Swetland	04676P005X	8074

7590

11/05/2003

Thomas C. Webster
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

VO, TED T

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,384

Applicant(s)

SWETLAND, BRIAN

Examiner

Ted T. Vo

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on 05/02/2001.

Claims 1-10 are pending in the application.

Specification

2. The disclosure is objected to because there are numerous errors. Many descriptions in the specification are found to be unmatched with their figure features.

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Page 9, lines 9-10, wrote, "a client-server based architecture 100 as illustrated in figure 1". However, figure 1 describes a prior art Class file 100.

Page 15, line 6, wrote, "RF link 220". However, feature 220 is found as a class file 220 in figure 2.

Page 38, lines 3-4, line 19, wrote, "jop objects". "jop objects" is also recited in the independent claims 1 and 6. The meaning of "jop" is unclear. The term "jop" has no definition in the specification.

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 6: Claim recitation "jop objects" is indefinite. The specification uses the term "jop object" without given any definitions. The word "jop" is not defined in English dictionary. Therefore the step for converting bytecodes into a graph of jop objects is unclear. A request for meaning clarification is required. Examiner interprets term "jop objects" as "classes" specified by the specification, figure 10.

Regarding claims 2-5: Claims 2-5 depend on claim 1 which is identified as being indefinite. The indefinite scope of claim 1 renders the claims 2-5 indefinite. Thus, claims 2-5 are indefinite.

Regarding claims 4, 9: Claim limitation, 'said bundle.s' on line 3 of each claim is indefinite. It lack proper antecedent basis. The interpretation to this limitation is 'said bundle'.

Regarding claims 7-10: Claims 7-10 and Claims 2-5 and are identical. Claims 7-10 appear having typographical error. Revision is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradley et al., "JAZZ: An Efficient Compressed Format for Java Archive Files", November 1998.

Given the broadest reasonable interpretation of followed claims in light of the specification, where the "jop objects" is interpreted as the structure given in figure 10 of the specification.

As per claim 1:

Bradley discloses,

"A method comprising:

converting (see figure 1, page 3) ***bytecodes*** (see page 2, second column, indents 3 and 4, and see class A, class B in figure 1) ***into a graph of jop objects*** (see figure 1, the data structure of Jazz file) ***to track where jump operations pointed before modification of said byte codes*** (see page 2, second column, indent 4, Start-step-stop codes, and see page 5, first column, last paragraph);

adjusting constant pool references from local to global numbers based on said graph (see page 2, second column, indent 5, see page 5, second column, third, fourth, and fifth paragraphs); ***and***

combing said bytecodes into a bundle" (see page 2, second column, section 3, 'class files to be bundled together...', and see figure 1, Jazz file).

As per claim 2: Bradley discloses,

"The method of claim 1, where adjusting further comprises: combining redundant constant pool entries to form a single global constant pool entry in a share constant pool within said bundle" (see figure 1, Jazz file: Unified constant pool, see page 2, second column, indent 5).

As per claim 3: Regarding limitation,

"the method as in claim 2 wherein one of said global constant pool entries is a methodref entry and an element identified by said global constant pool entry is a method copied to said bundle", the claim limitation is inherent in a given type of constants of a class. In this subject matter, Bradley bundles the constants from constant pool A and constant pool B into the unified constant pool (see figure 1, Jazz file: Unified constant pool)

Art Unit: 2122

As per claim 4: Regarding limitation,

"the method as in claim 2 wherein one of said global constant pool entries is a fieldref entry and an element identified by said global constant pool entry is a field copied to said bundle.s", it has the similar functionality as recited in claim 3. Given in the same reason as set forth in connecting to the rejection of claim 3.

As per claim 5: Bradley discloses,

"The method as in claim 1 further comprising: perform a validation to insure that all constant pool references are properly resolved within said bundle" (see section 3.3, second column, particularly "Preserving Java Semantics").

As per claim 6: Claim 6 recites, ***"an article of manufacture"*** that has the functionality corresponding to the functionality recited in the manner of claim 1. Bradley discloses "Jazz" (see page 1, second column, first paragraph) which is restored in a computer of network distribution. Jazz has means of an article that performs the functionality of claim 6, where claim 6 has the functionality corresponding to the functionality of claim 1. Therefore claim 6 is rejected in the same reason as set forth in connecting to the rejection of claim 1.

As per claims 7-10: Claims 7-10 are duplicated from claims 2-5, respectively. The Claims are rejected in the same reason as set forth in connecting to the rejections of claims 2-5.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaylor et al., US No. 6,446,084, discloses a method that includes resolving an entry in a symbol table at run-time.

Lindholm et al., US No. 6,618,855, discloses a method that includes verifying suspect modules before linking.

Art Unit: 2122

Pugh, "Compressing Java Class Files", ACM, May 1999, discloses compressing Java class files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers:

(703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TED T. VO

Patent Examiner
Art Unit: 2122
October 23, 2003